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RESOLUTION NO. 2008-3

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**A RESOLUTION OF THE VILLAGE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA, MAKING
FINDINGS OF FACT AND GRANTING A NON-USE
VARIANCE TO THE PROPERTY OWNER OF 11805 NE 11
AVENUE, BISCAYNE PARK, FLORIDA, ALLOWING A
VARIANCE FROM THE VILLAGE OF BISCAYNE PARK
CODE OF ORDINANCES TO ALLOW A 28.30'
ENCROACHMENT INTO THE FRONT STREET PROPERTY
LINE; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the owner of the property located at 11805 NE 11 Avenue, Biscayne Park, Florida ("Petitioner") has requested a variance from the Code to allow a 28.30' encroachment into the front street property line to permit an existing wooden fence; and

WHEREAS, the Planning and Zoning Board met to review this request and recommended approval of the property owner's request; and

WHEREAS, the Village Commission has heard the request, evidence and testimony and hereby finds the following to be true:

1. There are special circumstances or conditions affecting the property which are such that the strict application of the provisions of the Village Code would deprive the Applicant from the reasonable use of his land;

2. The non-use variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant;

3. The granting of the non-use variance would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated; and

4. The non-use variance proposed is the minimum variance which makes possible the reasonable use of the property;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE
VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

1 **Section 2.**

2 The non-use variance to allow a variance from the Village of Biscayne Park
3 Code of Ordinances to allow a 28.30' encroachment into the front street property line, is hereby
4 approved

5 **Section 3.**

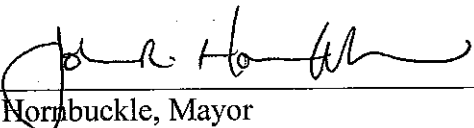
6 The Applicant is responsible for recording this Resolution in the Public
7 Records of Miami-Dade County, Florida and shall bear the costs thereof.

8 **Section 4.**

9 This Resolution shall become effective upon adoption.

10 PASSED AND ADOPTED this 8th day of January, 2008.

11 **The foregoing resolution upon being**
12 **Put to a vote, the vote was as follows:**

13 
14 John Hornbuckle, Mayor

15 Mayor Hornbuckle yes
16 Vice Mayor Anderson yes
17 Commissioner Morris yes
18 Commission Mallette yes
19 Commissioner Bernard yes

20 Attest:

21 
22 Ann Harper, Village Clerk

23 Approved as to form:

24 
25 John J. Hearn, Village Attorney